



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 27, 1998

Mr. Ron Pigott
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR98-1043

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114803.

The Texas Department of Public Safety received a request for the records of any Joshua High School students who were issued a minor in possession on February 7, 1998. You claim that some of the information is excepted from disclosure by section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the sample document that you have submitted.¹

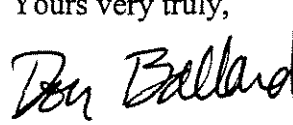
You argue that some of the requested information is confidential under the Family Code because it involves juvenile conduct. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." We have previously found that section 58.007 of the Family Code does not make confidential juvenile law enforcement records concerning juvenile conduct occurring on or after January 1, 1996, that are maintained by law enforcement agencies. Open Records Decision No. 644 (1996). However, the Seventy-fifth Legislature passed House Bill 1550 which amends the Family Code. Act of June 2, 1997, H.B. 1550, 75th Leg., R.S., ch. 1086, § 20, 1997 Tex. Gen. Laws 4179, 4187. Juvenile offender records held by law enforcement agencies are now expressly confidential under section 58.007(c) of the Family Code. Notwithstanding, section 58.007(c) only applies to juvenile law enforcement

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

records concerning conduct that occurred on or after September 1, 1997. The conduct at issue here occurred after September 1, 1997. Consequently, you must withhold the records relating to those persons who were "children" at the time the conduct occurred. *See* Fam. Code § 51.02 (1)(defining "child"). You indicate that you are not asking to withhold the information of those persons who were not children under the Family Code at the time the charges were filed.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 114803

Enclosures: Submitted documents

cc: Ms. Terrie Rambo
Joshua High School
909 S. Broadway
Joshua, Texas 76058
(w/o enclosures)